

Group IV, claims 33-42 and 52 drawn to the special technical feature of a Tat-adsorbed nanoparticle; and a Tat-adsorbed nanoparticle delivery system.

Group V, claims 43-48, drawn to the special technical feature of a process for producing Tat-adsorbed nanoparticle.

It is respectfully submitted that the restriction requirement is too narrowly drawn and that, in particular Group V should be rejoined with Group IV as it is not an undue burden on the Examiner to search both a “Tat-adsorbed nanoparticle; and a Tat-adsorbed nanoparticle delivery system”, and “a delivery system comprising adjuvant and a plurality of nanoparticles comprising a nucleic acid encoding an immunogenic polypeptide and a process for producing Tat-adsorbed nanoparticle.”

A search for a “Tat-adsorbed nanoparticle; and a Tat-adsorbed nanoparticle delivery system” will likely overlap with a search for a “process for producing Tat-adsorbed nanoparticle.” Examination of the claims drawn to either apparatus or process would most likely uncover relevant art related to the other.

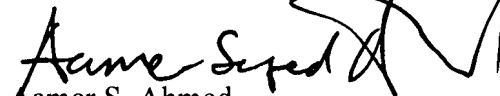
Applicant respectfully requests reconsideration and withdrawal of the restriction/election requirements and requests prosecution of the application in its entirety.

However, in response to the requirement, Applicant respectfully reserves the right to have rejoined and examined any non-elected withdrawn claims that depend from or include the limitations of an allowed linking claim, and respectfully requests notification by the Examiner that any canceled, non-elected claims which depend from or include all the limitations of allowable linking claims may be reinstated by submission of an amendment, pursuant to M.P.E.P. §809.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Amer S. Ahmed", is written over the printed name.

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